



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INFORMATION DISCLOSURE STATEMENT**

**TRANSMITTAL FORM**

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In re Application of: Imperante et Al.

Serial No:

Filed:

Ref: PRC-001

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir;

Please find enclosed the following components of an information disclosure statement:

1. PTO list of patents cited
2. Discussion under rule 98
3. Cited patents as follows;

U.S. Patent 6,180,806

U.S. Patent 6,331,293

Applicant respectfully contends that this package conforms to the provisions of 37 C.F.R. 1.98 and 37 C.F.R. 1.97. Applicant respectfully requests that the information contained herein be considered by the examiner in charge of the case.

Respectfully submitted;

Anthony J. O'Lenick, Jr.  
Applicant  
August 15, 2003  
(678) 442-0210



### **Discussion Under Rule 98**

U.S. Patent 6,180,806 to O'Lenick et al covers glyceryl phosphobetaines. These compounds do not contain the critical ester linkage. This linkage turns out to be critical for biodegradation. Additionally, there is no way to incorporate the polyoxyalkylene groups into the molecules covered by the 6,180,806 technology.

U.S. Patent 6,331,293 to Smith et al covers dimer based phospholipids. These compounds, like the '806 patent, do not contain the critical ester linkage. This linkage turns out to be critical for biodegradation. Additionally, there is no way to incorporate the polyoxyalkylene groups into the molecules covered by this technology.

Respectfully submitted;

A handwritten signature in black ink, appearing to read "A. J. O'Lenick, Jr.".

Anthony J. O'Lenick, Jr.  
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PTO/SB/08A (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
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Substitute for form 1449A/PTO  <h2 style="text-align: center; margin: 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center; margin: 10px 0;">(use as many sheets as necessary)</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; padding: 5px;">Complete if Known</th> </tr> <tr> <td style="width: 30%; padding: 5px;">Application Number</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Filing Date</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">First Named Inventor</td> <td style="padding: 5px;">IM Perante et al</td> </tr> <tr> <td style="padding: 5px;">Group Art Unit</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Examiner Name</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Attorney Docket Number</td> <td style="padding: 5px;">PRC 001</td> </tr> </table>		Complete if Known		Application Number		Filing Date		First Named Inventor	IM Perante et al	Group Art Unit		Examiner Name		Attorney Docket Number	PRC 001
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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.